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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,840	09/23/2005	Jacobus Cornelis Haartsen	P16747-US1	5481

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ERICSSON INC.
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PLANO, TX 75024

EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/550,840

Applicant(s)

HAARTSEN, JACOBUS
CORNELIS

Examiner

Bobbak Safaipoor

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/2005, 12/22/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

The information disclosure statements submitted on 9/23/2005 and 12/22/2006 have been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14-15, 17-19, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by **Liebenow (US Patent #6,459,896 B1)**.

Consider **claim 14**, Liebenow discloses an apparatus for managing traffic in a network involving a communication device with a limited power supply, characterized by:

a transceiver for receiving and transmitting messages (figure 3);

Art Unit: 2618

a controller (read as base station) for monitoring a current power level of said power supply (figure 2, col. 4, line 16-47) and a calculated power drain rate of said communication device (col. 4, lines 48-63; col. 5 line 32 to col. 6 line 10);

means coupled to said power supply (read as battery) for determining said power drain rate of said communication device (col. 4, lines 48-63; A detector is coupled to the output of the battery in order to monitor battery capacity such that the capacity of battery may be detected.); and

signal means for signaling said communication device to one of receive and transmit messages according to said current power level and said drain rate (col. 5 line 32 to col. 6 line 10; The control system of the base station indicates in a message that since battery of the communication device is low, the user of wireless device may be unable to re-establish communications.).

Consider **claim 15**, and as applied to **claim 14** above, Liebenow discloses the claimed invention wherein a database storing initial parameters for said power supply of said communication device and periodically updating said power supply parameters, wherein said parameters include:

a drain rate for each communication service available to said communication device; (Liebenow et al: col. 4, lines 48-63; A detector is coupled to the output of the battery in order to monitor battery capacity such that the capacity of battery may be detected.) and

an initial power source level upon connection to the network. (Liebenow: figure 4, col. 6, lines 10-19; The method initiates with the wireless device communicating with remote device to determine if the battery is in a low capacity)

Consider **claim 17**, and **as applied to claim 14 above**, Liebenow discloses the claimed invention wherein said communication device is a battery operated remote sensor and said network is a wireless network. (col. 1, lines 55-57)

Consider **claim 18**, and **as applied to claim 17 above**, Liebenow discloses the claimed invention wherein said network is a non-wireless network. (col. 4, lines 23-25)

Consider **claim 19**, and **as applied to claim 14 above**, Liebenow discloses the claimed invention wherein said communication device is a wireless communication terminal and said network is a wireless network. (col. 1, lines 55-57 and col. 4, lines 44-45)

Consider **claim 22**, and **as applied to claim 14 above**, Liebenow discloses the claimed invention except for wherein said communication device is a wireless modem. (col. 1, lines 10-15 and 55-57)

Consider **claim 23**, and **as applied to claim 14 above**, Liebenow discloses the claimed invention wherein said communication device is a cordless phone system and said network is a

public switched telephone network (PSTN). (col. 1, lines 55-57, col. 4 lines 1-15 and col. 4, lines 44-45)

Consider **claim 24**, and as applied to **claim 13** above, Liebenow discloses the claimed invention except for said communication device is a personal digital assistant and connects to a PSTN by wireless connecting to a computer connected to said PSTN. (col. 1, lines 10-15 and 55-57)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2, 4-7, 11-13, 20, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Liebenow (US Patent #6,459,896 B1)** in view of **Motohashi (US Patent #7,050,829 B2)**.

Consider **claim 1**, Liebenow discloses a method for managing traffic in a network, involving a communication device with a limited power supply, characterized by: determining a current level of available power (read as notifying a remote device of a low battery capacity condition) in said power supply (read as battery) for transmitting and receiving functions of said communication device (col. 1 line 55 to col. 2 line 15; col 5 lines 7-14; figures 2-3); communicating said power level to a controller (read as base station) (figure 2, col. 4, line 16-47); determining a current power drain rate of said power source (col. 4, lines 48-63; A detector is coupled to the output of the battery in order to monitor battery capacity such that the capacity of battery may be detected.); and calculating whether said power level is sufficient (col. 4, lines 48-63; col. 5 line 32 to col. 6 line 10); and signaling said controller according to said power level calculations (col. 5 line 32 to col. 6 line 10; The control system of the base station indicates in a message that since battery of the communication device is low, the user of wireless device may be unable to re-establish communications.).

Liebenow fails to disclose detecting a need for data transfer associated with said communication device, wherein said data transfer is one of an incoming call to said communication device and a request for transmission from said communication device and determining a quantity of data relating to said data transfer.

In related art, Motohashi discloses a portable telephone that comprises a control unit, a memory, a wireless communication function unit, an imaging unit, a display unit, an operation unit, a voice input unit (a microphone for receiving voice inputs), a voice output unit (receiver for performing voice output), a battery and a power supply unit. During the operation of a normal communication of the portable telephone of the present invention, the battery capacity

Art Unit: 2618

level detection unit measures the voltage of the battery and the control unit obtains the battery capacity, i.e., the information of a remaining amount of battery capacity. The communication by an image and voice is realized, when the control unit transmits the image captured by the imaging unit and the voice input by the voice input unit, displays the voice received voice by the voice output unit. The operation unit conducts the operation relating to this call. (figures 1-2, col. 5 line 62 to col. 6, line 9)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Motohashi into the teachings of Liebenow to indicate the battery capacity level of the portable telephone from the call destination.

Consider **claim 2**, and as applied to **claim 1** above, Liebenow, as modified by Motohashi, discloses the claimed invention wherein storing initial parameters for said power supply of said communication device and periodically updating said power supply parameters, wherein said parameters include:

a drain rate for each communication service available to said communication device; (Liebenow et al: col. 4, lines 48-63; A detector is coupled to the output of the battery in order to monitor battery capacity such that the capacity of battery may be detected.) and

an initial power source level upon connection to the network. (Liebenow: figure 4, col. 6, lines 10-19; The method initiates with the wireless device communicating with remote device to determine if the battery is in a low capacity)

Consider **claim 4**, and **as applied to claim 1 above**, Liebenow, as modified by Motohashi, discloses the claimed invention wherein said communication device is a battery operated remote sensor and said network is a wireless network. (Liebenow: col. 1, lines 55-57)

Consider **claim 5**, and **as applied to claim 4 above**, Liebenow, as modified by Motohashi, discloses the claimed invention wherein said network is a non-wireless network. (Liebenow: col. 4, lines 23-25)

Consider **claim 6**, and **as applied to claim 1 above**, Liebenow, as modified by Motohashi, discloses the claimed invention wherein said communication device is a wireless communication terminal and said network is a wireless network. (Liebenow: col. 1, lines 55-57 and col. 4, lines 44-45)

Consider **claim 7**, and **as applied to claim 1 above**, Liebenow, as modified by Motohashi, discloses the claimed invention wherein said traffic is voice traffic and a voice call is begun on said mobile terminal at a first quality of service level according to an initially determined power level and power drain rate of said mobile terminal battery, and said voice call is continued at a second quality of service level according to a subsequently determined power level and power drain rate of said mobile terminal battery. (Motohashi: col. 1, lines 54 to col. 2 line 3; col. 5 line 62 to col. 6, line 53)

Consider **claim 11**, and as applied to claim 1 above, Liebenow, as modified by Motohashi, discloses the claimed invention except for wherein said communication device is a wireless modem. (Liebenow: col. 1, lines 10-15 and 55-57)

Consider **claim 12**, and as applied to claim 1 above, Liebenow, as modified by Motohashi, discloses the claimed invention wherein said communication device is a cordless phone system and said network is a public switched telephone network (PSTN). (Liebenow col. 1, lines 55-57, col. 4 lines 1-15 and col. 4, lines 44-45)

Consider **claim 13**, and as applied to claim 1 above, Liebenow, as modified by Motohashi, discloses the claimed invention except for said communication device is a personal digital assistant and connects to a PSTN by wireless connecting to a computer connected to said PSTN. (Liebenow: col. 1, lines 10-15 and 55-57)

Consider **claim 20**, and as applied to claim 19 above, Liebenow, as modified by Motohashi, discloses the claimed invention wherein said traffic is voice traffic and a voice call is begun on said mobile terminal at a first quality of service level according to an initially determined power level and power drain rate of said mobile terminal battery, and said voice call is continued at a second quality of service level according to a subsequently determined power level and power drain rate of said mobile terminal battery. (Motohashi: col. 1, lines 54 to col. 2 line 3; col. 5 line 62 to col. 6, line 53)

Consider **claim 25**, and as applied to **claim 14** above, Liebenow discloses the claimed invention wherein said means for determining said power drain rate further comprises periodically determining said power drain rate associated with said communication device (col. 4, lines 48-63; col. 5 line 32 to col. 6 line 10), except for wherein said communication device changes location during transmission.

In related art, Motohashi discloses that the portable telephone is capable of performing communication functions while moving. (col. 1 lines 15-28)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Motohashi into the teachings of Liebenow to display and inform the user of the battery capacity level while the user and portable telephone is moving.

Consider **claim 26**, and as applied to **claim 1** above, Liebenow discloses the claimed invention wherein step of determining a current power drain rate of said power source further comprises periodically determining said power drain rate associated with said communication device (col. 4, lines 48-63; col. 5 line 32 to col. 6 line 10), except for wherein said communication device changes location during transmission.

In related art, Motohashi discloses that the portable telephone is capable of performing communication functions while moving. (col. 1 lines 15-28)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Motohashi into the teachings of Liebenow to display and inform the user of the battery capacity level while the user and portable telephone is moving.

Claims 3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Liebenow (US Patent #6,459,896 B1)** in view of **Motohashi (US Patent #7,050,829 B2)** and in further view of **Lee et al (US Patent Application Publication #2002/0013143 A1)**.

Consider **claim 3**, and as applied to **claim 1** above, Liebenow, as modified by Motohashi, discloses the claimed invention except for wherein said step of signaling said controller comprises instructions based on said power supply connections for one of receiving all of said data, redirecting all of said data to a predetermined location, and receiving a portion of said data and directing the remainder of said data to a predetermined address.

In related art, Lee et al disclose a data supplying server that can transfer data files corresponding to the particular mobile phone through a switching system of the mobile communication network. The switching system operates by the server asking to connect to the mobile phone and upon connection, the mobile communication network can initiate a ringing sound on the mobile phone corresponding the telephone number. If the particular mobile phone receives the call, the data supplying server 300 can identify that the call connection is made, and can then transfer an audio guide message. If the user responds to the outputted audio signal, a response signal can be sent to the data supplying server, which in turn can transfer the corresponding data file to the mobile phone. If the user does not respond to the ringing sound of the mobile phone within a certain period of time, the control unit of the mobile phone can automatically transfer a response signal to the data supplying server. When the data supplying server receives the response signal from the mobile phone, it can then transfer a selected data file to the mobile phone through the mobile communication network. (paragraphs 30-32)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Lee et al into the teachings of Liebenow and Motohashi to have data more easily transferred, stored and reproduced in the personal terminal.

Consider **claim 8**, and **as applied to claim 6 above**, Liebenow, as modified by Motohashi, discloses the claimed invention wherein a video message is presented for transfer and the audio portion of the message is transferred (col. 5 line 62 to col. 6, line 9), but fails to disclose the video portion is redirected to a predetermined address and a message is sent to inform the recipient of said audio the location of said video portion.

In related art, Lee et al disclose a data supplying server that can transfer data files corresponding to the particular mobile phone through a switching system of the mobile communication network. The switching system operates by the server asking to connect to the mobile phone and upon connection, the mobile communication network can initiate a ringing sound on the mobile phone corresponding the telephone number. If the particular mobile phone receives the call, the data supplying server can identify that the call connection is made, and can then transfer an audio guide message. If the user responds to the outputted audio signal, a response signal can be sent to the data supplying server, which in turn can transfer the corresponding data file to the mobile phone. If the user does not respond to the ringing sound of the mobile phone within a certain period of time, the control unit of the mobile phone can automatically transfer a response signal to the data supplying server. When the data supplying server receives the response signal from the mobile phone, it can then transfer a selected data file to the mobile phone through the mobile communication network. (paragraphs 30-32)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Lee et al into the teachings of Liebenow and Motohashi to have data more easily transferred, stored and reproduced in the personal terminal.

Consider **claim 9**, and as applied to **claim 1 above**, Liebenow, as modified by Motohashi and Lee et al, discloses the claimed invention wherein said data comprises a Multimedia Messaging Service (MMS) message. (Motohashi: col. 5 line 62 to col. 6 line 10; Lee et al: paragraph 4)

Consider **claim 10**, and as applied to **claim 1 above**, Liebenow, as modified by Motohashi and Lee et al, discloses the claimed invention wherein said data comprises a video message. (Liebenow: col. 3, lines 39-43; Motohashi: col. 5 line 62 to col. 6 line 10; Lee et al: paragraph 4)

Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Liebenow (US Patent #6,459,896 B1)** in view of **Lee et al (US Patent Application Publication #2002/0013143 A1)**.

Consider **claim 16**, and as applied to **claim 14 above**, Liebenow discloses the claimed invention except for means for signaling said controller to one of: receiving all of said data, redirecting all of said data to a predetermined location, and receiving a portion of said data and directing the remainder of said data to a predetermined address based on said power supply measurements.

In related art, Lee et al disclose a data supplying server that can transfer data files corresponding to the particular mobile phone through a switching system of the mobile

communication network. The switching system operates by the server asking to connect to the mobile phone and upon connection, the mobile communication network can initiate a ringing sound on the mobile phone corresponding the telephone number. If the particular mobile phone receives the call, the data supplying server 300 can identify that the call connection is made, and can then transfer an audio guide message. If the user responds to the outputted audio signal, a response signal can be sent to the data supplying server, which in turn can transfer the corresponding data file to the mobile phone. If the user does not respond to the ringing sound of the mobile phone within a certain period of time, the control unit of the mobile phone can automatically transfer a response signal to the data supplying server. When the data supplying server receives the response signal from the mobile phone, it can then transfer a selected data file to the mobile phone through the mobile communication network. (paragraphs 30-32)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Lee et al into the teachings of Liebenow and Motohashi to have data more easily transferred, stored and reproduced in the personal terminal.

Consider **claim 21**, and as **applied to claim 14** above, Liebenow discloses the claimed invention except for the video portion is redirected to a predetermined address and a message is sent to inform the recipient of said audio the location of said video portion.

In related art, Lee et al disclose a data supplying server that can transfer data files corresponding to the particular mobile phone through a switching system of the mobile communication network. The switching system operates by the server asking to connect to the mobile phone and upon connection, the mobile communication network can initiate a ringing

Art Unit: 2618

sound on the mobile phone corresponding the telephone number. If the particular mobile phone receives the call, the data supplying server 300 can identify that the call connection is made, and can then transfer an audio guide message. If the user responds to the outputted audio signal, a response signal can be sent to the data supplying server, which in turn can transfer the corresponding data file to the mobile phone. If the user does not respond to the ringing sound of the mobile phone within a certain period of time, the control unit of the mobile phone can automatically transfer a response signal to the data supplying server. When the data supplying server receives the response signal from the mobile phone, it can then transfer a selected data file to the mobile phone through the mobile communication network. (paragraphs 30-32)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Lee et al into the teachings of Liebenow and Motohashi to have data more easily transferred, stored and reproduced in the personal terminal.

Conclusion

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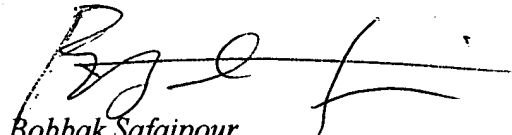
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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Bobbak Safaipour
B.S./bs

January 22, 2007

EDAN ORGAD
PRIMARY PATENT EXAMINER


1/2/07